

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

BREGGIE L. GILKEY and)
RONICE GILKEY,)
)
Plaintiffs,)
) No. 11-2122
v.)
)
)
)
ARNOLD M. WEISS and LITTON)
MORTGAGE SERVICING CTR., INC.,)
)
Defendants.)

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Magistrate Judge's April 11, 2013 Report and Recommendation (the "Report") to dismiss Plaintiffs' in forma pauperis Complaint. (Report, ECF. No. 12.) Plaintiffs Breggie and Ronice Gilkey have not objected to the Magistrate Judge's Report and the time for doing so has passed. See 28 U.S.C. § 636(b)(1)(c) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court."). The Magistrate Judge recommends that the Plaintiffs' Complaint be dismissed for failure to state a claim upon which relief can be granted. For the following reasons, the Court ADOPTS the Report

of the Magistrate Judge, and the Plaintiffs' Complaint is DISMISSED.

The court is required to screen in forma pauperis complaints and to dismiss any complaint, or any portion thereof, if the action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review – under a de novo or any other standard – those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court

should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. *Id.* at 151.

Plaintiffs Breggie and Ronice Gilkey have not objected to the Magistrate Judge's Report. The deadline for objecting has passed. Because Plaintiffs have failed to object, Arn counsels the Court to adopt the Report in its entirety. *Id.* Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Report is ADOPTED and Plaintiffs' Complaint is DISMISSED.

So ordered this 13 day of September, 2013.

s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE